



Montana Fish, Wildlife & Parks

TO: Environmental Quality Council
FROM: M. Jeff Hagener, Director
DATE: August 20, 2014
RE: Legislative Bill Proposals

The following is a summary of the six legislative bill drafts proposed by the Department of Fish, Wildlife & Parks for the 2015 Legislative Session.

1. Electronic Signature: The Department proposes a bill to allow licensees to submit license applications with an electronic signature. The current law requires that an application be “signed by the licensee in ink or indelible pencil on the face of the license.” MCA §87-2-107. This bill would allow computerized signatures for a valid application.

2. Dock on Wild Horse Island: The Department proposes a bill that would allow for the development of a dock on Wild Horse Island State Park. Current law, MCA § 77-1-405, prohibits development on state-owned island property, including state parks. The bill would provide an exception that would allow the development of a dock on Wild Horse Island to allow for easier access to the state park for elderly and handicapped persons.

3. Automatic Loss of Hunting and Trapping Privileges: The Department proposes a bill that would provide for the automatic loss of hunting and fishing licenses when convicted for misusing duplicate replacement licenses. Currently, MCA § 87-6-304 allows a court the discretion for ordering the loss of privileges for convictions. FWP has seen a rise in the misuse of replacement licenses and Courts are reluctant to use their discretion to order forfeiture. This bill would make it a mandatory loss of privileges if a person is convicted for misusing a replacement license.

4. Prohibit Statewide Transport of Live Fish: The Department proposes a bill that makes it unlawful for any transport of live fish in the state. Currently, MCA § 87-6-202 prohibits the transport of live fish in the state except in the eastern fishing district. This bill would expand the prohibition to the eastern fishing district. The current lack of consistency causes confusion. In addition, prohibiting the transport of live fish throughout the state improves the department’s ability to detect and prevent the illegal introduction of unauthorized fish into waters of the state. This bill would eliminate the exception for the eastern district and make live fish transport consistently prohibited across the state.

5. Prohibiting Dissemination of Names: The Department proposes a bill that prohibits the release of names of persons that harvest wildlife in Montana. Current law, MCA §87-1-214, prohibits the release of names of persons who take a *predator* while hunting but doesn’t include the take of other species of animals such as game animals, species in need of management, or

furbearers. Hunters and trappers have been harassed and threatened because their personal information was shared under current right-to-know provisions. In addition, people are discouraged from sharing this important take information because of the fear it invokes. This bill would expand the prohibition on sharing information to include any information from persons who harvest any game animal, furbearer or species in need of management whether or not through hunting.

6. Creating an Enterprise Fund for Educational Purposes: The Department proposes a bill that creates an enterprise fund. Currently when educational, commemorative, and interpretive merchandise and teaching resource materials are sold, the revenue is lost from the program that originally provided the dollars. The revenue received from these sales go into the general license fund. The proposed law would allow the Department to reinvest the revenue received from the sale of items back into an enterprise account to restock the items sold.

Recommendation 4: Repeal “Native Montana Nonresident License” (MCA 87-2-514) and amend “Home to Hunt license” (MCA 87-2-526), as indicated below:

87-2-526. License for nonresident to hunt with resident sponsor or family member -- use of license revenue.

(1) In addition to the nonresident licenses provided for in [87-2-505](#) and [87-2-510](#), the department may offer for sale 500 B-10 nonresident big game combination licenses and 500 B-11 nonresident deer combination licenses. The licenses may be used only as provided in this section and as authorized by department rules. Sale of licenses pursuant to this section may not affect the license quotas established in [87-2-505](#) and [87-2-510](#). The price of licenses sold under this subsection must be ~~the same~~ 1/2 the price of ~~as~~ nonresident big game combination licenses and nonresident deer combination licenses offered by general drawing pursuant to [87-2-505](#) and [87-2-510](#).

(2) A license authorized in subsection (1) may be used only by an adult nonresident family member of a resident who sponsors the license application and who meets the qualifications of subsection (3). The nonresident family member must have completed a Montana hunter safety and education course prior to March 1, 2015 or have previously purchased a resident hunting license, or been born in Montana or been born to parents who were residents at time of birth. A nonresident family member who receives a license pursuant to subsection (1) must be accompanied in the field by a sponsor or family member who meets the qualifications of subsection (3).

(3) To qualify as a sponsor or family member who will accompany a nonresident licensed under subsection (1), a person must be a resident, as defined in [87-2-102](#), who is 18 years old or older and possesses a current resident hunting license and who is the nonresident's within the second degree of kinship by blood or marriage. The second degree of kinship includes a natural or adoptive mother, father, brother, sister, son, daughter, spouse, grandparent, or grandchild, brother in law, sister in law, son in law, daughter in law, father in law, mother in law, stepfather, stepmother, stepbrother, stepsister, stepson, and stepdaughter. The sponsor shall list on the license application the names of family members who are eligible to hunt with the nonresident hunter.

(4) If the department receives more applications for licenses than the number that are available under subsection (1), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful in the drawing must be entered in the general drawing for a nonresident license provided under [87-2-505](#) or [87-2-510](#), as applicable.

(5) All money received from the sale of licenses under subsection (1) must be deposited in a separate account and must be used by the department to acquire public hunting access to inaccessible public land, which may include obtaining hunting access through private land to inaccessible public land.

Rationale

With the changes recommended by the Licensing and Funding Advisory Council for these two similar, yet different, types of licenses, it makes sense to combine attributes of both licenses into a single license that will maintain the PL/PW Council's original intent in creating a Home to Hunt license whereby nonresident family members can come to Montana to hunt with resident family members, with the revenue generated being used to improve public hunting access to public lands.

Background

There are currently two types of similar nonresident (NR) deer and elk licenses that have been rendered unappealing and/or nonfunctional due to changes that have occurred since their adoption.

MCA 87-2-526 provides authority for FWP to issue a B10 NR deer/elk combination license or B11 NR deer combination license to a nonresident hunter sponsored by a resident family member. The hunter is required to be accompanied in the field by a resident family member who meets the eligibility requirements for sponsoring a nonresident hunter under this statute. There is a limit of 500 B10 and 500 B11 licenses of this type, and all license revenue is earmarked for FWP to use to secure public access to public land.

MCA 87-2-514 provides authority for FWP to issue a nonresident fishing license, upland game bird license, deer A tag, and elk license to a "nonresident relative of a resident," defined as "a person born in Montana who is the natural or adoptive child, sibling, or parent of a resident, but is not a resident." The fee for each of these licenses is four times the amount charged for an equivalent resident license. There is no limit on these licenses. Most of the revenue from these licenses goes into the FWP general license account.

In 2014, the Fish & Wildlife Licensing and Funding Advisory Council developed recommendations to change deer and elk licenses under MCA 87-2-514 into B11 deer combination and B10 deer/elk combination license types, and change the fees for B11 deer combination and B10 deer/elk combination licenses under both MCA 87-2-526 and 87-2 514 to ½ the fee charged for nonresident general B11 deer and B10 deer/elk combination licenses. All B11 and B10 combination licenses include fishing and upland bird license privileges.

The Licensing and Funding Advisory Council also asked the Private Land/Public Wildlife Council to consider developing a recommendation as to how the two licenses types created in MCA 87-2-514 and MCA 87-2-526 might be combined into a single license statute, since the original Home to Hunt License was a product of previous PL/PW Council recommendations.